

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CLVII.

An Act for the better Examination of Witneſſes in the Courts of Equity in *Ireland*; and for empowering the Courts of Law and Equity in *Ireland* to grant Commiſſions for taking Affidavits in all Parts of *Great Britain*. [11th *July* 1815.]

WHEREAS it is expedient that the Courts of Chancery and Exchequer in *Ireland* ſhould be reſpectively empowered to appoint fit Perſons in *Great Britain* to be Standing Commiſſioners for the Examination of Witneſſes and taking Anſwers and Pleas and Demurrers in Suits in Equity depending in ſuch Courts reſpectively; and that the Power of granting Commiſſions for taking Affidavits, which is now veſted in the Courts of Law and Equity in *Ireland*, ſhall be enlarged, by enabling ſuch Courts reſpectively to grant Commiſſions for the ſame Purpoſe in all Parts of *Great Britain*: Be it therefore enacted, and it is hereby enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act it ſhall be lawful for the Lord High Chancellor of *Ireland*, or other Perſon or Perſons having the Cuſtody of the Great Seal of *Ireland* for the Time being, to appoint, and they are hereby reſpectively authorized and empowered to appoint one or more fit and proper Perſon and Perſons to ſwear and examine, in *England* and *Scotland*, Witneſſes who ſhall be produced before ſuch Perſon or Perſons in *England* or *Scotland*, to be ſworn and examined in Suits depending in the Court of Chancery in *Ireland*, as a Court of Equity; and to take in *England* or *Scotland* Anſwers, Pleas, and Demurrers of Defendants in ſuch

Lord Chancellor of Ireland may appoint Perſons to examine Witneſſes and take Affidavits, &c. of Perſons in England and Scotland, as to certain Suits depending in the Chancery in Ireland.

such Suits and Affidavits of Parties and others in such Suits, in such and the same Manner as the Masters in Ordinary of the said Court of Chancery may swear, and the Examiner of the said Court may examine such Witnesses, and as the said Masters may take such Answers, Pleas, and Demurrers, and such Affidavits, according to the Practice of the said Court.

Lord Treasurer and Barons of the Exchequer in Ireland may appoint Persons for the same Purpose as to Suits in the Exchequer.

II. And be it further enacted by the Authority aforesaid, That it shall be in like manner lawful, from and after the passing of this Act, for the Lord Treasurer, Chancellor, and Barons of His Majesty's Court of Exchequer in *Ireland* for the Time being, or any Two or more of them, whereof the Lord Treasurer, Chancellor, or Lord Chief Baron for the Time being shall be One, to appoint, and they are hereby respectively authorized and empowered to appoint, One or more fit and proper Person and Persons to swear and examine in *England* or *Scotland*, Witnesses who shall be produced before such Person or Persons in *England* or *Scotland*, to be sworn and examined as Witnesses in Suits depending in the said Court of Exchequer in *Ireland*, as a Court of Equity, and to take, in *England* or *Scotland* Answers, Pleas and Demurrers of Defendants in such Suits; and to take Affidavits of Parties and others on Suits depending in the said Court of Exchequer of *Ireland*, as a Court of Law or of Equity, in such and the same Manner as the Barons of the said Court may swear, and may examine such Witnesses, and as the said Barons may take such Answers, Pleas and Demurrers, and such Affidavits, according to the Practice of the said Court.

Lord Chancellor, &c. to direct the Fees to be taken and the Travelling Charges.

III. And be it further enacted, That the Lord High Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland*, the Master of the Rolls, and the Judges of the Courts of King's Bench and Common Pleas, and the Barons of the Exchequer, or Five or more of them, of whom the Lord High Chancellor or Lord Keeper for the Time being, the Chief Justice of the King's Bench, the Chief Justice of the Common Pleas, or the Chief Baron of the Exchequer, shall be One, shall from Time to Time order and direct the Fees to be taken by the several Commissioners to be appointed under the Authority of this Act, exclusive of Travelling Charges and Expences, when any such Commissioner shall be required to travel from his Place of Abode for any of the Purposes of this Act; and shall also from Time to Time order and direct the Rates to be taken for such Travelling Charges and Expences.

Authority and Title of the Officers so appointed.

IV. And be it further enacted by the Authority aforesaid, That the Person or Persons so to be appointed by the Courts of Chancery and Exchequer in *Ireland* respectively, shall hold such Offices during the Pleasure of the Court so appointing them, and shall be deemed and taken to be Officers of the said Court, and shall be called Extraordinary Commissioners thereof, for the Purposes aforesaid; and that such Extraordinary Commissioners respectively shall have full Power and Authority to summon Persons to attend them respectively at such Times and Places as they shall respectively appoint, to be sworn and examined as Witnesses in Suits depending in the Courts so appointing them, in the same Manner as Commissioners appointed by Special Commission by such Courts respectively may examine such Witnesses.

V. And be it further enacted by the Authority aforesaid, That every Person who shall be appointed an Extraordinary Commissioner under the Authority of this Act, shall, previous to entering upon the Duties of such Office, take the Oath of Office herein-after mentioned and prescribed; which Oath shall be taken by every such Officer as shall be appointed by the Court of Chancery of *Ireland* to such Duty in *England*, before One of the Masters in Ordinary of the Court of Chancery of *England*, or other Person in *England* appointed by the Court of Chancery of *England* to take Affidavits in said Court, who are hereby respectively empowered and required to administer the same; which Oath shall in like Manner be taken by every such Officer as shall be appointed by the Court of Chancery of *Ireland* to such Duty in *Scotland*, before One of the Lords of the Sessions in *Scotland*, or other Person or Persons lawfully authorized to take Affidavits in the said Court, who are hereby respectively empowered and required to administer the same; which Oath shall in like Manner be taken by every such Officer as shall be appointed by the Court of Exchequer of *Ireland* to such Duty in *England*, before One of the Barons of the Court of Exchequer of *England*, or other Person in *England* appointed by the Court of Exchequer of *England* to take Affidavits in said Court, who are hereby respectively empowered and required to administer the same; and which Oath shall in like Manner be taken by every such Officer as shall be appointed by the Court of Exchequer of *Ireland* to such Duty in *Scotland*, before One of the Barons of the Court of Exchequer of *Scotland*, or other Person in *Scotland* appointed by the Court of Exchequer of *Scotland* to take Affidavits in said Court, who are hereby respectively empowered and required to administer the same; and every Oath so to be taken shall be, immediately after the same hath been taken, transmitted by the Officer so taking the same to the proper Officer for filing Affidavits in the Court by which such Person has been appointed such Extraordinary Commissioner, who shall, upon Receipt thereof, file and preserve the same in such Manner as other Affidavits made in said Court are filed and preserved in his Office. Persons appointed Extraordinary Commissioners under this Act, shall take the Oath hereafter prescribed.

VI. And be it further enacted, That the Oath to be taken in Manner before mentioned shall be in the Form following: Form of Oath.

'I do solemnly and sincerely swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of an Extraordinary Commissioner of the Court of of in for the Purposes mentioned in an Act passed in the Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better Examination of Witnesses in the Courts of Equity in* Ireland, *and for empowering the Courts of Law and Equity in* Ireland *to grant Commissions for taking Affidavits in all Parts of* Great Britain, and shall in every respect, to the best of my Knowledge, conform to the Rules and Orders of the said Court, and Provisions of the said Act. So help me GOD.'

VII. And be it further enacted by the Authority aforesaid, That the Courts of Chancery and Exchequer of *Ireland* respectively, shall from Time to Time make such General or Particular Orders touching the Conduct of such their Officers in their respective Offices, and touching the Examination of such Witnesses, and the taking of such Answers, Pleas and Demurrers, and such Affidavits in their said Courts respectively, and touching Courts of Chancery and Exchequer may make Orders touching the Conduct of their Officers.

touching the tranſmitting the ſame to the ſaid Courts reſpectively, as to the ſaid reſpective Courts ſhall from Time to Time ſeem fit and proper.

Perſons falſely ſwearing before ſuch Officers to be deemed guilty of Perjury.

VIII. And be it further enacted by the Authority aforeſaid, That every Perſon who ſhall in *England* or *Scotland*, be ſworn or deponed, and examined as a Witneſs, or ſworn or deponed to the Truth of any Anſwer or Plea or Affidavits, before any Officer or Officers who ſhall be appointed under the Authority of this Act for taking the ſame, and who ſhall, in his or her Anſwer, Plea or Affidavit, wilfully ſwear or depone falſely, ſhall be deemed guilty of Perjury, and ſhall incur and be liable to the ſame Pains and Penalties as if ſuch Perſon had wilfully ſworn or deponed falſely in the open Court, wherein the Suit in which ſuch Oath was ſo taken then depended.

Extending Powers of Courts of King's Bench and Common Pleas in Ireland, as to granting Commiſſions for taking Affidavits.

IX. And be it further enacted by the Authority aforeſaid, That the Courts of King's Bench and Common Pleas in *Ireland* reſpectively, ſhall from and after the paſſing of this Act have ſuch and the ſame Powers of granting Commiſſions for taking Affidavits in all Parts of *Great Britain*, as the Courts of King's Bench and Common Pleas in *Ireland* reſpectively now have in *Ireland*; and all and every Perſon and Perſons wilfully ſwearing falſely in any Affidavit to be made before any Perſon who ſhall be empowered to take Affidavits under the Authority aforeſaid, ſhall be deemed guilty of Perjury, and ſhall incur and be liable to the ſame Pains and Penalties as if ſuch Perſon had wilfully ſworn falſely in the open Court wherein the Suit in which ſuch Affidavit was ſo taken at ſuch Time depended.

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